

**REMARKS:**

Claims 1-14 are in the case and presented for consideration.

Initially, applicant notes that the Office Action dated June 15, 2005, apparently contains several errors.

First, on page 2 of the Office Action, the Office states:

Inaba shows a compact disk wherein a reflective layer 5 provided on the recording portion of the disc body and covered by protective coating 3 (Fig. 3; and see Abstract).

Although Inaba discusses a protective film 3, the drawings do not show the reflective layer 5 covered by the protective film 3. The undersigned contacted the examiner on June 23, 2005 about this point, and the examiner responded that he mistakenly referred to reflective layer 5 instead of reflective film 2. Thus, for purposes of this amendment, applicant will assume that the Office intended to state that Inaba shows a compact disc wherein a reflective layer 2 is covered by protective coating 3.

Second, on page 3 of the Office Action, the Office states:

Claims 2, 8, and 9, Inaba shows that the defined area printing is separated from the scratch-off paint by a translucent interlayer coating 41 for protecting the hidden printing when applying and removing the scratch-off paint.

Inaba does not show an element with the reference number 41. During the examiner interview of October 12, 2005 (hereinafter "the examiner interview"), the examiner explained that he mistakenly referred to Inaba instead of Otani. The details of the examiner interview are discussed in the Summary of the Interview section following the Remarks section. The undersigned pointed out that Otani discloses both elements 41 and 41-1, and that the nature of element 41 was not clear from the translation provided. The

examiner stated that he was referring to the adhesive sheet 41-1 of Otani.

Applicant further notes that the Office has not answered any of applicant's previous responses because "Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection." Applicant further notes that the same references are being cited in the current Office Action, but only some portion of the rationale for the rejection has changed. Accordingly, applicant's arguments were not entirely moot. Only applicant's arguments related to the changed rationale were moot. Furthermore, applicant had mentioned the errors discussed above in the previous response, which should have been addressed in the present Office Action.

Turning to the rejections of the present Office Action, claims 1-12 were rejected under 35 U.S.C §103(a) as being obvious from Japanese patent JP11-238262 to Otani et al. in view of Japanese patent JP2000-40263 to Inaba and U.S. Patent 5,791,990 to Schroeder et al.

Applicant respectfully traverses the rejection as to independent claim 1 and dependent claims 2-5 on the following grounds.

First, claim 1 recites at least one element or limitation not taught or suggested by the cited references.

None of the references cited by the Office teach or suggest a compact disc having "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing," or "a scratch-off paint coating covering said defined area," as recited in claim 1. Since neither of the limitations are taught or suggested

in any of the references cited by the Office, claim 1 cannot be obvious from any combination of the prior art.

Otani does not teach or suggest a compact disc having "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing," or "a scratch-off paint coating covering said defined area." The Office agrees with applicant's position since it states that "Otani et al does not show the printing is hidden." Applicant notes that Otani discloses a sandwich structure comprising a lower DVD-R disk substrate 11, a middle pressure sensitive adhesive sheet 41-1 having a pre-printed picture (designated ABCDE in the drawings) on its top surface, and an upper transparent disk substrate 12. The pre-printed picture cannot be construed as a hidden printing since the upper disk substrate 12 is transparent and lies completely over the adhesive sheet 41-1. Clearly, since the transparent disc substrate can be seen through, the printing (e.g, ABCDE) is not hidden. The printing is intended to be seen, as shown in Fig. 2B.

The Office further acknowledges on page 3 of the Office Action that Otani fails to show a scratch-off paint coating covering the defined area with hidden printing.

Like Otani, Inaba also does not teach or suggest a compact disc having "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing," or "a scratch-off paint coating covering said defined area," as recited in claim 1. As explained in the abstract, "the display design of the small characters, etc., as the printing layer 4 is made possible". The whole point of Inaba is to ensure visibility of a printing. Therefore, Inaba does not teach or suggest any hidden printing.

Inaba also does not teach or suggest a scratch-off paint coating covering a defined area. The Office has not indicated otherwise.

Like Otani and Inaba, Schroeder '990 also does not teach or suggest a compact disc having "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing," or "a scratch-off paint coating covering said defined area," as recited in claim 1. Nor does Schroeder '990 provide any suggestion to those skilled in the art to this end. Since neither of the limitations are taught or suggested in any of the references cited by the Office, claim 1 cannot be obvious from any combination of the prior art.

The Office has not addressed whether Schroeder '990 teaches or suggests "at least one defined area with a border and central portion situated in the annular or recording portion containing a hidden printing." Applicant submits that Schroeder '990 does not teach or suggest hidden printing for magnetic medium.

The Office states that "Schroeder et al shows a scratch-off paint coating to be used for compact discs (column 3, lines 24-25.)" The Office's position is unsupported by the plain language of the specification. Column 3, lines 24-25 **do not** state that a scratch-off paint coating is used for compact discs. Schroeder '990 only states in col. 3, lines 22-25:

For example, certain versions of the invention contemplate a player purchasing from a retail outlet a package containing a magnetic medium (e.g., a floppy or compact disc) and a ticket or card. Included on either the ticket or disc is the activation code.

There is no explicit indication that scratch-off coating is applied to the magnetic medium.

In view of the lack of explicit support for the examiner's position, the undersigned discussed this point with the examiner during the examiner interview. In the examiner's

own words, the examiner's position is that according to lines 23-25, Schroeder '990 teaches that whatever is disclosed in regard to scratch-off paint for the ticket or card is also disclosed for the magnetic medium. Thus, it is applicant's understanding that the examiner's position is that the ticket or card and the magnetic medium are treated equally with respect to disclosure of scratch-off paint. Applicant respectfully disagrees for the following reasons.

Schroeder '990 only indicates in col. 3, lines 22-25 that a magnetic medium is sold together with a ticket or card in the same package and that either the ticket or the disc have an activation code. There is no indication that either the ticket or the disc should have scratch-off paint. Although a disc may have an activation code as part of the package, there is no requirement in the Schroeder '990 patent that a ticket or disc containing an activation code include scratch-off paint. Schroeder '990 points out in col. 5, lines 59-60 that the "activation code need not be so covered," referring to scratch-off coating.

Furthermore, scratch-off coating is only mentioned in Schroeder '990 in regard to tickets. Scratch-off paint is never unambiguously taught or suggested for use with magnetic medium. First, at col. 3, lines 15-19, the summary of the invention states:

Such ticket may be structured so as to incorporate mechanisms for reducing the possibility of tampering and, in certain versions of the invention, includes an opaque, removable ("scratch-off") coating.

At col. 3, lines 32-35, the summary of the invention states:

In some embodiments of the invention, the player must remove the scratch-off coating on the ticket to reveal the activation code.

At col. 3, lines 40-46, the summary of the invention states:

When the game is complete, the program prompts the purchaser to record on the ticket a set of symbols constituting a redemption code. Such recordation may occur through writing the redemption code in an appropriate space on the ticket, removing selected portions of a scratch-off coating present on the ticket, or in any other suitable manner.

At col. 4, lines 14-26, the summary of the invention states that:

Alternatively, if the game itself does not inform the player that winnings are forthcoming at the time it supplies the redemption code, such information can be provided if correct portions of the scratch-off coating on the ticket are removed. For example, various codes could be printed on the ticket, one of which matches the redemption code provided by the game and each of which has a scratch-off area associated with it. In this example removing the scratch-off coating in the area associated with the redemption code could reveal a message (e.g. "You've won \$10!") informing the player of the winnings. If part of a probability game, the ticket could be void if the scratch-off coating is removed in more than one area.

At col. 5, lines 54-59, the Detailed Description states the following about the scratch-off feature:

In many preferred embodiments of the invention, each ticket itself contains at least one activation code printed thereon. Often the activation code is covered by an opaque removable (scratch-off) material, making it similar to the hidden play indicia or symbols of conventional lottery tickets.

At col. 5, lines 62-65, the Detailed Description states:

After obtaining access to the activation code--as by removing the scratch-off coating of a ticket to reveal it per block 20 of FIG. 1--a player may execute a computer program from the magnetic media.

At col. 8, lines 3-12, the Detailed Description states:

After scratch-off covering 240 is removed to reveal redemption code 230, it (together with either or both of set 170 and bar code 180) may be used to determine whether ticket 15 is a "winner". . . If so, the player may deliver ticket 15 to a suitable redemption location, where the entity redeeming the ticket 15 removes scratch-off covering 240 to confirm its winning nature.

At col. 8, lines 15-17, the Detailed Description states:

Illustrated in FIG. 5A is a version (again exemplary) of ticket 15 in which scratch-off coverings 250A-I are included.

Thus, there is not a single reference in the Schroeder '990 which unambiguously teaches or suggests that scratch-off paint can be used with a magnetic medium. Every reference to scratch-off paint in the description and preferred embodiment examples discusses only tickets. If the inventor in Schroeder '990 had knowledge that scratch-off paint could be used on a magnetic disc, he would have unambiguously stated so at least once in the patent.

In addition, if the Office deems Schroeder '990 as teaching an optical compact disc, applicants respectfully submit that the Office's position is incorrect. Schroeder only discusses magnetic media. At column 3, lines 24-25, Schroeder '990 states:

a package containing a magnetic medium (e.g. a floppy or compact disc) and a ticket or card.

The notation *e.g.* is an abbreviation for the phrase *for example*. Therefore, a compact disc is an example of a magnetic medium according to Schroeder '990. At column 5, lines 37-38, the patent further states that:

"magnetic media contemplated by the present invention includes so-called 'floppy' and 'compact' discs."

Only the word *compact* is in quotation marks, while the word *discs* is not in quotation marks. Thus, Schroeder only teaches compact or small magnetic discs. In the examiner interview, the examiner mentioned opto-magnetic discs. However, Schroeder '990 only

refers to magnetic medium, not opto-magnetic medium.

During the examiner interview, the examiner noted that col. 4, lines 29-31 explain that "those skilled in the art will recognize that other equipment or media may be used instead." However, in the remainder of the paragraph, only a list of other equipment is provided (e.g., point of sale or other terminals, hand-held computers, other micro-computer based devices, and networked systems). There is no mention of optical discs. Furthermore, applicant notes that the purpose of the disc in Schroeder '990 is for storing a program (see Field of the Invention, col. 1, lines 6-9; Background of the Invention, col. 1, lines 59-67 and col. 2, lines 1-3; Summary of the Invention, col. 4, lines 47-68; Detailed Description, col. 5, lines 30-32 and col. 5, lines 64-65.) Thus, the point of the statement is that those skilled in the art will recognize that other media can be used to store a program (i.e., it is well known that media is used for storing programs). However, there is no indication anywhere in the patent that the magnetic medium includes a scratch-off paint coating. Therefore, the statement is not referring to one skilled in the art recognizing that other media can be used with scratch-off paint coating.

The Office further states that:

Schroeder teaches that the scratch-off paint coating can be used for a compact disc (Column 3, lines 24-25) for activating a computer program (Column 4, lines 44-46).

However, neither of the references to the Schroeder '990 patent mention anything about scratch-off paint coating being used for a compact disc. Furthermore, col. 4, lines 44-46 only state:



It is also an object of the present invention to provide a system in which information from a ticket or card is used to activate a program.

During the examiner interview, the undersigned discussed this point with the examiner. The examiner responded that the disclosure of scratch-off paint coating for a ticket applies to discs and that a ticket or card for activating a computer program applies to discs as well. However, the plain language of the Schroeder '990 does not support the examiner's position, as already explained above.

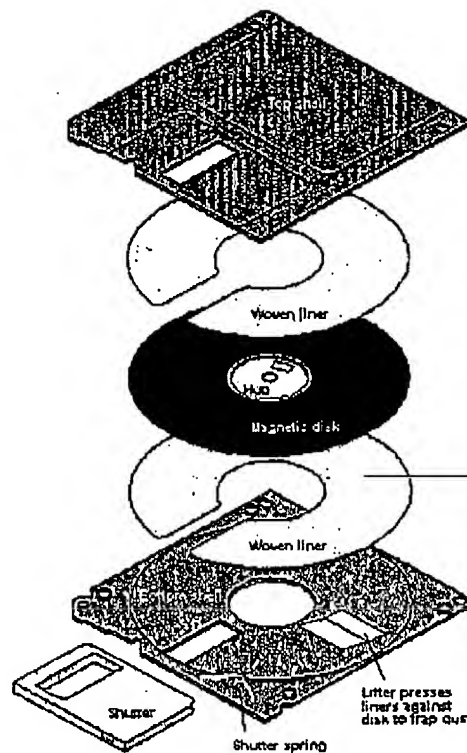
Next, applicant notes that Inaba does not teach or suggest "a protective coating," as recited in claim 1. Inaba discloses a protective coating 3 as a leveling or smoothing film which is disposed between the rough surface formed by grooves or pits 1a and the mirror finish surface reflection film 5. Film 3 has no protective effect. Rather, film 3 represents a leveling layer to enable easy printing not affected by the surface unevenness cause by record pits when the reflective layer is not thick enough to provide a smooth surface. Thus, the object of Inaba is to enable easy printing not affected by the surface unevenness cause by record pits when the reflective layer is not thick enough to provide a smooth surface, and not to provide a reflective layer with a protective coating. Since the rejection is based on obviousness, there is no suggestion to combine Inaba with Otani to provide a reflective layer covered by a protective coating. There must be some suggestion in at last one of the references to provide a protective coating for a reflective layer.

Furthermore, claim 1 is believed to be patentable because there is no suggestion or motivation to combine Schroeder '990 with either Otani or Inaba. Otani teaches a DVD-R which is an optical disc. Inaba also teaches an optical disc. In contrast, Schroeder '990

teaches magnetic medium. At col. 3, lines 23-25, Schroeder '990 discloses "a package containing a magnetic medium (e.g. a floppy or compact disc) and a ticket or card." At column 5, lines 37-38, the patent further states that "magnetic media contemplated by the present invention include so-called 'floppy' and 'compact' discs." Thus, the '990 patent has categorized these "compact" discs as magnetic media. Applicant also emphasizes that only the word "compact" is in quotation marks, while the word "discs" is not. Thus, Schroeder '990 is referring to magnetic discs that have a "compact" or small size.

Optical discs have nothing in common with magnetic discs. An optical disc is an optically readable medium with pits or differently reflecting spots on its surface arranged along tracks/grooves readable by a laser beam. Since optical discs are very different from magnetic medium, there is no suggestion or motivation to combine the magnetic media of Schroeder '990 with the optical discs of Otani and Inaba. Thus, the cited references are not combinable.

Moreover, it would not be obvious from the disclosure of magnetic medium in Schroeder '990 to use scratch-off paint with an optical medium. Magnetic medium, such as floppy disks for example (mentioned in Schroeder '990 as an example of magnetic medium contemplated by that invention), have a hard shell, upon which printed labels or other indicia are typically attached or engraved. Labels or other printed matter (e.g, disk manufacturer name or brand and disk type for example) are never provided in the annular or recording portion of magnetic medium for the following reasons. Referring to an illustration of the anatomy of a floppy disk, the floppy disk functions as follows.

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The floppy disk includes a flexible circle of magnetic material similar to magnetic tape, except that both sides are used. A floppy drive, used to read the floppy disk, grabs the floppy's center and spins it inside its housing. The read/write head of the drive contacts the surface of the magnetic material through an opening in the plastic shell (top and bottom portions), which contains the magnetic material. Thus, a printing situated in an annular or recording portion would block the reading of the disk, and possibly damage the disk. Since all printed material is provided on the exterior surface of the shell, any scratch-off area would not block or damage the magnetic medium inside the shell due to the hardness of the shell.

Another compact example of magnetic medium is a zip disk, which is manufactured and sold by Iomega Corporation. Zip disks are very similar to floppy disks except that the magnetic coating on a zip disk is of a much higher quality than that on a floppy disk. Again, all printed matter, such as labels and indicia, are provided on the exterior surface of the shell which encloses and protects the magnetic medium. Printing is never provided in the annular or recording portion.

On the other hand, it is well known that scratches on an optical disc lead to damaging the disc so that the disc cannot be read properly. Optical discs do not have shells for protection. It is probable that placing a scratch-off area on an optical disc would therefore lead to accidental scratching of the optical disc. Although protective coatings are provided on optical discs, the coatings are scratchable as well and can be more easily penetrated than the hard shells of magnetic medium mentioned in Schroeder '990. Therefore, one having ordinary skill in the art would not be motivated to use a scratch-off paint coating on an optical disc. A scratch-off paint coating on an optical disc would be not be expected based on the likelihood that the optical disc would be scratched.

Claim 2 additionally recites at least one limitation not disclosed or suggested in any of the prior art references. None of the cited references teach or suggest "a translucent interlayer coating for protecting the hidden printing when applying and removing the scratch-off paint."

In the rejection of claims 2, 8, and 9, the Office states:

"Inaba shows that the defined area printing is separated from the scratch-off paint by a translucent interlayer 41 for protecting the hidden printing when applying and removing the scratch-off paint."

Initially, applicant notes that according to the examiner, Otani is intended rather than Inaba. Accordingly, applicant respectfully submits that Otani does not show a translucent interlayer 41 for protecting the hidden printing when applying and removing the scratch-off paint. In the examiner interview, the examiner explained that he construes the adhesive sheet 41-1 to be a translucent layer for protecting the printing ABCDE formed by the colored adhesives used to form the printing. On page 2 of the present Office Action, the Office states in its own words "Otani et al does not show the printing is hidden." Therefore, the Office's position on whether Otani discloses a hidden printing is inconsistent. However, applicant agrees that Otani does not show a hidden printing because the printing is only covered by a transparent layer and is intended to be visible. Thus, Otani does not teach or suggest a translucent interlayer for protecting the hidden printing when applying and removing the scratch-off paint.

Accordingly, none of the cited references teach or suggest a translucent interlayer coating for protecting hidden printing that overlaps the border portion of the defined area by at least 2mm, as recited in claim 3. Claim 3 depends from claim 2, and therefore is also patentable for the same reasons as claims 1 and 2.

In addition, none of the cited references teach or suggest a compact disc "wherein the thickness of the interlayer coating is in the range from 40 to 58 microns," as recited in claim 4. The Office construes the adhesive sheet 41-1 of Otani, having a thickness of 40-50 micrometers, as the claimed interlayer coating. The adhesive sheet 41-1 is a layer having a colored printed material on it. As explained above however, adhesive sheet 41-1 is not a translucent layer for protecting hidden printing. Claim 4 depends from claim 3, and

is therefore also patentable for the same reasons as claims 1-3.

None of the cited references teach or suggest a compact disc wherein the scratch-off paint coating bears a guidance printing. The Office states that "Schroeder et al shows that scratch-off paint coating can bear any kind of information, including guidance printing for guiding the user to activate the computer program." The Office does not point out where this is discussed in the Schroeder '990 patent. From the examiner interview, the examiner construes guidance printing as the code included on a ticket to activate a computer program (i.e., the activation code). Notably, the examiner referred to col. 4, lines 59-63, but those lines do not mention a guidance printing for a compact disc, or any other type of program storage medium. Also, that code for activating a computer program is the activation code and is the only printing disclosed on a ticket. Since the activation code is covered by the scratch-off material on the tickets (col. 5, line 56-57), it cannot be construed as a guidance printing since claim 5 recites that the scratch-off paint coating bears the guidance printing (i.e., the guidance printing cannot be beneath the scratch-off coating). Claim 5 depends from claim 1 and is also patentable for the same reasons as claim 1.

Applicant respectfully submits that independent claims 6 and dependent claim 7 are patentable for the following reasons.

Independent claim 6 has been rewritten to recite other features of the invention, not previously presented. For this reason, applicants are entitled to the full scope of protection, including any judicially created doctrines such as the Doctrine of Equivalents.

Independent claim 6 recites substantially the same elements and limitations as claim 1. Like claim 1, claim 6 recites a compact disc having "at least one defined area with a

border and central portion situated in the annular or recording portion. . .containing a hidden printing," which is not taught or suggested by any of the references. Independent claim 6 further recites a compact disc having "a scratch-off paint coating applied to said interlayer coating." None of the cited references teach or suggest a compact disc having a scratch-off paint coating applied to a translucent interlayer coating. Schroeder '990 only discloses a scratch-off coating for a ticket. Claim 6 is distinguishable from Schroeder '990 for the same reasons that claim 1 is distinguishable from Schroeder '990.

A portion of claim 6 has also been rewritten and now recites "at least one defined area with a border and central portion situated in the annular or recording portion above the basic cover paint and containing a hidden printing." The Office construes the color adhesives of Otani as basic cover paint recited in the claims. The Office also construes the drawing or picture ABCDE, formed by the color adhesives, as the printing recited in the claims. Since the printing ABCDE is undisputably formed by the color adhesives, the colored adhesives are at the same level as the printing ABCDE. Therefore, claim 7 fails to teach or suggest at least one defined area situated above the basic cover paint and containing a hidden printing.

Claim 7 depends from claim 6 and is patentable for the same reasons as claim 6.

Applicant respectfully submits that independent claims 8 and dependent claims 9-15 are patentable for the following reasons.

Independent claim 8 has been rewritten to recite other features of the invention, not previously presented. For this reason, applicants are entitled to the full scope of protection, including any judicially created doctrines such as the Doctrine of Equivalents.

Furthermore, new dependent claims 13 and 14 have been presented.

Rewritten claim 8 recites "an optically readable disc body having a central annular portion and a recording portion," "at least one defined area...in the annular or recording portion," and a "scratch-off paint coating covering said defined area." None of the cited references teach or suggest these limitations as explained above in regard to claim 1.

Also as explained above, Schroeder '990 only discloses magnetic medium. Schroeder '990 does not teach or suggest optical media. Optically readable discs have nothing in common with magnetic discs. An optical disc is an optically readable medium with pits or differently reflecting spots on its surface arranged along tracks/grooves readable by a laser beam. Since optical discs are very different from magnetic medium, there is no suggestion or motivation to combine the magnetic media of Schroeder '990 with the optical discs of Otani and Inaba. Thus, the cited references are not combinable.

Furthermore, claim 8 newly recites "a basic cover paint having a basic printing" and "at least one defined area. . .above the basic cover paint containing a hidden printing." Thus, claim 8 recites two different printings, one which is part of the basic cover paint, and one which is above the basic cover paint. None of the references teach or suggest the newly recited limitation.

Also, claim 8 recites "a means for protecting the hidden printing when applying and removing the scratch-off paint." None of the cited references teach or suggest a means for protecting the hidden printing when applying and removing the scratch-off paint, as explained above for claim 2.

Claims 9-11 further limit the means for protecting the hidden printing when applying and removing scratch-off paint recited in claim 8. Accordingly, claims 9-11 are believed



to be patentable for at least the same reasons as claim 8.

Claim 12 recites "the scratch-off paint coating bears a guidance printing," as in claim 5, and is therefore believed to be patentable for the same reasons described above for claim 5.

Claim 13 recites "a basic cover paint directly applied to said annular portion," wherein claim 1 recites that the annular portion is part of the disc body. The Office refers to Otani as teaching "a basic cover paint (colored adhesive, see Abstract) applied to the film 41, which covers the annular portion 13 (Fig. 4)." Admittedly, the Office deems that Otani does not teach or suggest a basic cover paint directly applied to an annular portion of a disc body. Rather, the Office indicates that the basic cover paint is directly applied to the film 41. Accordingly, claim 13 is deemed patentable.

Claim 14 recites that "only one reflective layer is provided on the recording portion of the disc body." The Office agrees that the limitation is not taught or suggested by Otani (Office Action, page 2). Nor is the limitation taught or suggested by Schroeder '990, which does not disclose or suggest optical discs. The Office states that Inaba shows a compact disc wherein a reflective film 2 is provided on the recording portion of the disc body and covered by protective coating 3. In lieu of the present rejection being based on obviousness, applicant respectfully submits that Inaba teaches away from the claimed invention because Inaba teaches that two reflective layers are required.

Fig. 3 shows a compact disc according to the prior art, comprising a disk substrate 1, pit train 1a formed in one side of the disk substrate 1, reflective film 2 formed on the pit train, a protective coating 3 formed on the reflective film 2, and a printing layer 4 formed on the protective coating 3. Inaba explains that when the reflective film 2 formed on the

information record section of the disk substrate 1 as a background of printing, the irregularity of pit 1a loomed and the resulting problem was that the visibility of a small display of an alphabetic character was bad. A striped pattern by interference with pit 1a, occurred as a result of the unevenness of the thickness of the protective coating. The problems associated with the prior art were cured by the addition of a specular reflective film 5 on the protective coating 3. Thus, Inaba teaches away from using only one reflective layer based on the problems presented.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

**SUMMARY OF THE INTERVIEW**

First, the undersigned pointed out that Schroeder '990 never discloses a scratch-off coating on any type of program storage medium. The examiner responded that the disclosure of the scratch-off coating for the ticket applies to the magnetic medium as well. The examiner cites to col. 3, lines 22-25, which state that "certain versions of the invention" contemplate a package containing a magnetic medium and a ticket or card. The undersigned pointed out that the only purpose for the disk is program storage. Col. 3, lines 22-25 do not state that scratch-off coating for a ticket also applies to magnetic medium. The examiner disagreed. The undersigned also pointed out that col. 4, lines 44-46 do not state that a compact disc is used to activate a program as suggested in the Office Action. Col. 4, lines 44-46 only discuss a ticket or card. Again, the examiner referred back to col. 3, lines 22-25.

Second, the undersigned pointed out that Schroeder '990 does not teach or suggest using a scratch-off coating on an optical disc, clarifying that Schroeder '990 only refers to magnetic medium. The examiner seemed to agree, but responded that opto-magnetic medium is known in the art. The undersigned responded that the patent does not discuss opto-magnetic medium. The examiner pointed to col. 4, lines 29-31, which state that "other equipment or media may be used." The examiner explained that it would be obvious to one having ordinary skill in the art to use scratch-off paint on other types of media such as optical medium.

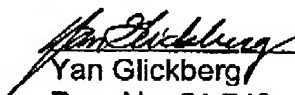
Third, in view of the rejection of claims 2, 8, and 9, the undersigned pointed out that Inaba does not disclose any element 41 for protecting a hidden printing. The examiner explained that Otani was intended to be the basis for the rejection of claim 2,

8, and 9, and that the pressure sensitive adhesive sheet 41-1 is a translucent layer for protecting the printing which is formed from color adhesives being placed from below the sheet 41-1. The examiner deems the translucent layer to be protective since it is above the printing formed from color adhesives.

Fourth, the undersigned point out that the film 3 of Inaba is a leveling or smoothing film rather than a protective film. The examiner responded that film 3 is protective because it covers reflective layer 2.

Fifth, the undersigned sought clarification for the rejection of claims 3, 5, 10, and 12. Regarding claims 3 and 10, the examiner assumed the width of the disc to be 4mm and that the area beyond the center was 2mm. Regarding claims 5 and 12, the examiner pointed to col. 4, lines 59-63, which indicate that a code included on a ticket is used to activate a computer program. The undersigned noted that col. 4, lines 59-63 do not mention a program medium of any kind. The examiner responded that the scratch-off paint disclosed for the tickets also applies to the magnetic medium.

Respectfully submitted,

  
Yan Glickberg  
Reg. No. 51,742  
Attorney for Applicants  
Tel. (845) 359-7700

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**NOTARO & MICHALOS P.C.**  
100 Dutch Hill Road, Suite 110  
Orangeburg, New York 10962-2100

**Customer No. 21706**

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